

The universal periodic review mechanism of the United Nations Human Rights Council : transforming the human rights discourse

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Summary

The creation in 2006 of a mechanism, known as the Universal Periodic Review, to examine the human rights records of United Nations Member States under the auspices of the UN Human Rights Council prompted skepticism and optimism among observers of the UN human rights machinery. Seven years after its beginnings, states have completed one full review cycle and are nearing the midpoint of the second cycle. Although the first cycle enjoyed the participation of all Member States, there is no guarantee of the same level of cooperation the second time around.

This dissertation is divided into three parts. First, this inquiry outlines the history of the UN human rights regime and traces the origins of the Universal Periodic Review, asking why and how it was established. This initial portion of the work looks at how the human rights system evolved in the post-World War II era and why the UN Human Rights Commission was replaced by the UN Human Rights Council in 2006. Part Two reflects on other types of international accountability mechanisms and identifies the unique characteristics of peer review mechanisms in global governance. Among the accountability mechanisms explored are those found in the Organization for Economic Cooperation and Development, the Open Methods of Cooperation of the European Union and the African Peer Review Mechanism. The final part of the dissertation examines the mechanism through case studies of the participation of the Dutch government in its first and second cycle reviews, the national human rights institutions in Kenya and Denmark and civil society organizations and actors in the review processes of Hungary and the United States of America.

By asking if the Universal Periodic Review has changed the human rights discourse, the author argues that the review mechanism has the potential to change such a discourse both in the national and international arenas. The author demonstrates that, at the national level, the mechanism has the potential to transform the human rights through the national consultations realized each review cycle. During such consultations, government officials have opportunities to hear from grassroots groups and citizens regarding human rights concerns in all areas of human rights. Internationally, governments can share best practices and urge changes in other governments at the interactive dialogue. These interactions have the potential for transformation at the ground level in UN Member States. The author also acknowledges that such transformation is more likely in liberal, democratic societies when open discussions are tolerated. The inquiry concludes that by adding a peer review mechanism, the reviews give Member States a chance to share best practices and highlight areas for improvement in a forum that does not involve the direct participation of experts. In addition, the dissertation discusses challenges to the Universal Periodic Review process, including the posture of the states of North Korea and Israel toward the UN Human Rights Council. Nonetheless, the author is optimistic that the process has already brought a transformation and can continue to do so if it focuses on using the unique strategies of peer review to assist nations in identifying ways to improve their performances in the area of human rights.